USDA United States Department of Agriculture | Forest Service | Modoc National Forest | 800 West 12th Street
Alturas, CA 96101
(530) 233-5811
TTY (530) 233-8708

File Code: 1950-3
Date: September 17, 2008

Dear Interested Party:

Enclosed is a copy of the Modoc National Forest Record of Decision (ROD) for the Sage Steppe Ecosystem Restoration Strategy Final Environmental Impact Statement (FEIS). The ROD pertains only to lands within the project area that are administered by the Modoc National Forest. The ROD documents my decision to select Alternative J and my decision rationale.

As you are aware, for the past several years, the Modoc National Forest and the Bureau of Land Management's Alturas Field Office have been working towards completion of the FEIS. The FEIS describes alternatives for restoration of sage steppe ecosystem across the 6.5 million acre analysis area. The FEIS provides analysis of six alternatives including No Action (Current Management).

The Bureau of Land Management's three Field Offices in northeastern California plan to issue companion RODs involving lands under their jurisdiction.

This planning effort officially began in July, 2005 when a Notice of Intent to prepare an Environmental Impact Statement was published in the Federal Register. In August, 2007 a Draft Environmental Statement was released for public review. The FEIS was released in May, 2008. It is expected that the Legal Notice of this ROD will be published in the *Modoc County Record* on September 25, 2008.

Copies of the Record of Decision are available at the Modoc National Forest, Supervisor's Office, 800 West 12th Street, Alturas, CA, or on the Modoc National Forest web site at:

www.fs.fed.us/r5/modoc/projects/sagebrush-restoration-web/juniper-strategy.shtml

For further information, or to request additional copies of the Record of Decision, contact Rob Jeffers, Project Lead, Modoc National Forest, 800 West 12th Street, Alturas, CA 96101 or call (530) 233-8816, or email your request to rgjeffers@fs.fed.us.

We wish to express our sincere appreciation to the many individuals, public and private organizations and Indian Tribes, who participated in development of this strategy. During the planning process we received a great deal of information and many valuable comments that were used to develop the FEIS. We look forward to working with all interested parties in the future to restore this extremely important ecosystem.

Sincerely,

STANLEY G. SYLVA
Forest Supervisor

United States
Department of
Agriculture

**Forest
Service**

Pacific
Southwest
Region

R5-MB-161
September 2008

Sage Steppe Ecosystem Restoration Strategy

Record of Decision

Modoc National Forest

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Record of Decision

Sage Steppe Ecosystem Restoration Strategy

USDA Forest Service

Modoc National Forest
Modoc County, CA

Decision and Reasons for the Decision

Background

The Modoc National Forest includes approximately 1.6 million acres in northeastern California, including land in Lassen, Modoc and Siskiyou Counties. The mission of the USDA Forest Service (FS) is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations (Forest Service Manual 1000).

The Modoc National Forest (Modoc NF) includes approximately 617,000 acres of sage steppe ecosystem, which is important habitat for numerous wildlife species as well as providing recreation such as hunting, fishing and wildlife viewing, and resource use opportunities including livestock grazing and firewood gathering.

One of the most significant factors affecting the health, diversity and productivity of the sage steppe ecosystem on Modoc NF and other public and private lands in northeastern California, northwestern Nevada, central and eastern Oregon and southwestern Idaho, is the dramatic increase in the density of western juniper (*Juniperus occidentalis*) since the late 1800's. This increase in density is the result of the modification of fire regimes due to human activities.

Domestic grazing began in the late 1800's and increased to heavy levels during the first half of the 1900's. This grazing altered the fire regime by reducing the fine fuels that carried frequent fires in the sage steppe ecosystem. After World War II, mechanized fire suppression continued to alter the natural fire regime. Without fire, young juniper became established and as they matured they began outcompeting the native sagebrush, grasses and forbs for water and sunlight in this xeric landscape. This conversion to juniper dominated landscapes is resulting in impacts to soil resources, plant community structure and composition, water and nutrient cycles and wildlife habitat over the entire sage steppe ecosystem.

In order to address the sage steppe ecosystem management situation across jurisdictional boundaries, the Forest Service, Bureau of Land Management (BLM), county governments and other private organizations and individuals worked together to develop a number of long-term, comprehensive sage steppe restoration strategy alternatives, which are documented in the Sage Steppe Ecosystem Restoration Strategy Final Environmental Impact Statement (FEIS).

The analysis area for the FEIS encompasses 6.5 million acres of public and private land. The action alternatives represent strategies which broadly identify restoration methods and provide guidance for implementing site specific treatments over a 50-year timeframe. The FEIS and the

alternatives are programmatic in nature. Under the selected alternative, site specific restoration treatments will require site specific environmental analysis and decision.

The decision I make in this Record of Decision (ROD) to adopt a sage steppe restoration strategy for the Modoc National Forest will be a non-significant amendment to the 1991 Modoc National Forest Land and Resource Management Plan (LRMP).

The three Bureau of Land Management Field Offices in northeastern California (Alturas, Surprise and Eagle Lake) are issuing companion Records of Decision (RODs) for the FEIS, and both BLM and the FS will work closely with county governments and other organizations and individuals to implement the selected strategy in a cooperative and coordinated manner.

Decision

Based upon my review of the FEIS and project record, it is my decision to amend the 1991 Modoc National Forest LRMP by incorporating Alternative J, the Preferred Alternative of the Sage Steppe Ecosystem Restoration Strategy FEIS. Alternative J will add to existing direction in the Modoc LRMP.

I believe implementation of Alternative J, the Preferred Alternative, including its six Design Standards, its emphasis on mechanical treatments, its rate of treatment, and its collaborative planning, monitoring and adjustment approach, will allow us to achieve substantial restoration of the sage steppe ecosystem, while acknowledging and responding to uncertainty.

Six Design Standards are included in Alternative J to guide site specific implementation of the Strategy (FEIS pg. 47). These six Design Standards which will become Modoc LRMP standards, address resources and resource uses including:

- Cultural Resources
- Firewood Gathering
- Livestock Grazing Management Practices
- Old Growth Juniper
- Road Management
- Monitoring and Adjustment Approach

Alternative J emphasizes the use of mechanical treatments to lessen environmental risks associated with prescribed and wildland fire use including noxious weed spread, uncertain results, short-term impacts to sage obligate species, disruption of Native American cultural resources and activities, and reduction in air quality

All of the alternatives in the FEIS, including Alternative J, are described and analyzed based upon the combination of anticipated restoration treatments of both the FS and the BLM over a five decade period of time. Like all of the alternatives, Alternative J is programmatic in nature, so it does not prescribe the site specific location of treatments, the year a specific location will be treated, or whether the treatments will occur on FS or BLM land in a particular year or decade.

As indicated, site specific restoration treatments will require site specific environmental analysis and decision, and the selection of these treatment locations will be coordinated with county governments and other organizations and individuals through time. Under Alternative J the selection by the FS and BLM of treatment priorities through this collaboration will emphasize restoration of threatened, endangered and sensitive species habitat, watershed enhancement, restoration of ecosystem function, as well as opportunities for the economic arrangement of treatment areas across jurisdictional boundaries.

Under Alternative J, the FS and BLM will jointly treat approximately 14,000 to 21,000 acres annually for the first two decades, and then approximately 34,000 acres per year for the subsequent decades.

Monitoring and Adjustment is a key Design Standard in Alternative J. The accumulation of understanding and subsequent adaptation of management strategies depends on incorporating monitoring and assessment results into the decision making process. The Modoc NF, BLM and other interested parties will work collaboratively with the scientific community and stakeholders in an interdisciplinary assessment of the different types of restoration treatments that are being implemented and their effectiveness. This information will then be used to make adjustments in new treatment prescriptions, so that over time, the most effective treatments are being utilized. This Monitoring and Adjustment will also provide information on what successive treatments might be appropriate over time.

Monitoring will be completed at both a site specific and programmatic level and will be summarized in an annual report available for review. A Technical Advisory Committee (TAC) will be established for the purpose of reviewing all monitoring information to determine if treatments or other management actions should be adjusted at the programmatic or site specific levels to better meet restoration objectives (FEIS pg. 51).

The TAC will conduct an annual meeting of interested publics and other stakeholders to discuss findings and recommendations. After receiving input from the TAC and other stakeholders, recommendations for programmatic and site specific levels of management will be forwarded to resource specialists and decision makers to incorporate into future treatment projects. Based on the results of Monitoring and Adjustment, the pace and methods of restoration activities may be adjusted to insure that the Modoc NF is using the best methods to meet its restoration goals.

When compared to the other alternatives, Alternative J will best meet the Purpose and Need while taking into account uncertainties in the restoration rate and methods. I expect this Strategy will create greater certainty regarding results over time by deferring a more aggressive restoration rate until such a time as monitoring validates the effectiveness of our treatments.

Other Alternatives Considered

In addition to the selected Alternative, I considered five other alternatives, including the No Action Alternative, which are discussed below. Alternative J was determined to be the environmentally preferred alternative. A more detailed comparison of these alternatives can be found in the FEIS on pages 35 - 44.

As I indicated in my discussion of Alternative J, each alternative was described and analyzed in the FEIS based upon the combination of anticipated restoration treatments of both the FS and the BLM over a five decade period of time. All of the alternatives are programmatic in nature, and so they do not prescribe the site specific location of treatments, the year a specific location will be treated, or whether the treatments will occur on FS or BLM land in a particular year or decade.

Alternative A

No Action (Current Management)

Under the No Action Alternative, the current Modoc LRMP would continue to guide management of the sage steppe ecosystem. Under this Alternative the FS and BLM will jointly treat approximately 5,000 acres per year.

The Current Management Alternative would result in the continued conversion of sage steppe habitat to juniper dominated woodlands, with the associated decline in the condition of sage steppe soil resources, plant community structure and composition, water and nutrient cycles, and wildlife habitat.

I did not select Alternative A because it would not meet the Purpose and Need for sage steppe restoration and would result in further degradation of the sage steppe ecosystem over the 50 years planning horizon. Based upon current management and budgets, without this non-signficant amendment to the Modoc LRMP incorporating the six Design Standards found in Alternative J and its associated environmental effects analysis covering 6.5 million acres, the FS and it counterpart BLM anticipate that completing environmental analyses and documentation for large site specific sage steppe restoration projects would continue to be cost prohibitive. Therefore, the FS and BLM would jointly treat only 5,000 acres per year under Alternative A.

Alternative B

Proposed Action

Under Alternative B, the FS and BLM would jointly treat approximately 30,000 acres per year. Primary treatment methods would be 78% fire use and 19% mechanical. Over a 40 year period, 1.2 million acres would be treated. All of the Design Standards found in Alternative J, including Monitoring and Adjustment, are also included in Alternative B.

Alternative B relies heavily on prescribed fire and wildland fire use for restoration treatments. Public comments and further analysis by the interdisciplinary team revealed considerable risk with prescribed fire and wildland fire use including noxious weed spread, uncertain results, short-term impacts to sage obligate species, disruption of Native American cultural resources and activities, and reduction in air quality. Public comments and further scientific review also indicated that there exists some uncertainty as to the long term results of some of the current treatment methods. Public comments asked us to consider starting at a slower rate of annual treatment and conducting effectiveness monitoring of these treatments in order adjust our site specific treatment prescriptions over time. By starting at a slower rate of treatment and adjusting as we go, the Agencies could enhance the certainty of our restoration treatments over the 50 year planning horizon.

I did not select Alternative B because of its heavy reliance on fire treatments and corresponding environmental and cultural risks; and because of its start-up rate of 30,000 acres per year would not provide as much certainty in restoration results over time as Alternative J, under which the FS and BLM propose to treat only 14,000 to 21,000 acres annually for the first two decades, and then approximately 34,000 acres per year for the subsequent decades.

Alternative C

Under Alternative C, the FS and BLM the primary treatment methods would be similar to Alternative B, but under this Alternative the Agencies would initially proceed more cautiously, jointly treating 15,000 to 19,000 acres per year for the first two decades, and then increasing to 30,000 acres per year for the next three decades. All of the Design Standards found in Alternative J, including Monitoring and Adjustment, are also included in Alternative C.

Although Alternative C does include a rate of treatment that allows for more certainty in restoration results over time than Alternative B, I did not select Alternative C due to its heavy reliance on fire treatments and corresponding environmental and cultural risks.

Alternative D

Under Alternative D, the FS and BLM propose a different mix of primary treatment methods, with a greater emphasis on mechanical treatment. While fire use in Alternatives B and C was 78%, it would be only 56% of the treated acreage under Alternative D. Conversely, while mechanical use in Alternatives B and C was only 19%, it would be 41% of the treated acreage under Alternative D. Under Alternative D, the Agencies would jointly treat 28,000 acres per year for the first two decades, and then increase to 34,000 acres per year for the next two decades. All of the Design Standards found in Alternative J, including Monitoring and Adjustment, are also included in Alternative D.

Although Alternative D does include a treatment mix with a heavier emphasis on mechanical thereby reducing the risks associated with fire use, I did not select Alternative D because of its restoration rate of 28,000 acres per year for the first two decades, increasing to 34,000 acres per year for the next two decades. Alternative D, similar to Alternative C, would not provide as much certainty in restoration results over time as Alternative J, under which the FS and BLM propose to treat only 14,000 to 21,000 acres annually for the first two decades. In other words, under Alternative J less acres are treated in the first two decades so that Monitoring and Adjustment results are available before restoration rates are increased to 34,000 acres per year in the subsequent two decades.

Alternative E

Alternative E responds to some of the public comments. These comments indicated that the commentors believed that the results of current treatments have a sufficient likelihood of success, and to better meet the Purpose and Need the Agencies should select a treatment rate of 37,000 acres per year for the first two decades and then increase the rate to 42,000 acres per year for the third decade. The treatment mix would be 56% fire and 41% mechanical. All of the Design Standards found in Alternative J, including Monitoring and Adjustment, are also included in Alternative E.

Although Alternative E has the potential of being the most effective in meeting the Purpose and Need by treating the highest amount of acreage in the shortest amount of time, I did not select Alternative E because it increases the amount of risk associated with uncertain treatment results over time. After carefully reviewing the scientific information contained in the FEIS and project record, it is my judgement that the sage steppe ecosystem is best restored through starting at the restoration rate prescribed in Alternative J, and fully implementing a Monitoring and Adjustment approach so that the first two decades of treatment results can inform treatment prescriptions for the remaining three decades.

Public Involvement

Public meetings and discussions on development of a potential Strategy were initiated in the region in 2001. The formal scoping process for this effort began with the publishing of the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the Federal Register on July 18, 2005. A Public Scoping Notice was distributed following the NOI and a Public Notice was published in the *Modoc County Record* on July 28, 2005.

The scoping comment period ended on September 9, 2005. The scoping comment period generated 23 letters from a variety of groups and individuals. Those 23 letters contained 284 individual comments, and helped frame the issues addressed in the Draft EIS (DEIS).

Thirteen issues were identified as a result of scoping. These included: proposed action restoration rate, permanent roads, uncertain results, impacts of livestock grazing, impacts to the livestock industry, noxious weeds, old growth juniper, juniper as wildlife habitat, impacts to sage obligate species, soil productivity and surface hydrology, Native American cultural resources and activities, prescribed fire and wildland fire use, and local economics. These issues are addressed in detail in the Scoping Report and in the FEIS. Based upon these issues, the DEIS included analysis of Alternatives A, B, C, D and E.

The Notice of Availability of the DEIS was published in the Federal Register on August 31, 2007 and published in the *Modoc County Record* on August 30, 2007. During the DEIS comment period, a combination of nine public meetings, presentations and field trips were offered throughout the analysis area. A total of 40 people attended the public meetings. Several people attended the two field trips.

The DEIS public comment period ended on October 15th, 2007. During that 45-day comment period, 23 comment letters were received. These comment letters were analyzed using the same method that was used on the scoping comments.

Based upon public comments on the DEIS, an additional alternative, Alternative J, was developed and added to the analysis in the FEIS. After comparing Alternative J with Alternatives A, B, C, D and E, the Agencies identified Alternative J as the Preferred Alternative in the FEIS.

The Notice of Availability of the FEIS was published in the Federal Register on May 9, 2008, and published in the *Modoc County Record* on May 8, 2008.

Six federally recognized Tribes have cultural interests in the Sage Steppe Ecosystem Restoration analysis area. They are the Alturas Rancheria, the Cedarville Rancheria, the Ft. Bidwell Paiute Tribe, the Klamath Tribes, the Pit River Tribe, and the Susanville Rancheria. Extensive consultation was held with each of the Tribes regarding the Strategy and their issues and concerns**.**

Findings Required by Other Laws and Regulations

Endangered Species Act

The FS and BLM reached a determination of "No Effect" on candidate and listed species within the analysis area resulting from selection of the Alternative J. Appropriate informal consultation was conducted with the United States Fish and Wildlife Service (FWS) on Alternative J. Appropriate project level consultation will be conducted with FWS for site specific projects.

National Historic Preservation Act

The Modoc LRMP provides management direction and standards and guidelines for cultural resources based on law, regulation and policy. Additionally, the Forest Service's Pacific Southwest Region (R-5) has a Programmatic Agreement with the California Office of Historic Preservation to facilitate project development and meet Section 106 consultation requirements. All site specific restoration treatments will comply with Section 106 of the National Historic Preservation Act.

Clean Air Act

The Clean Air Act defines national ambient air quality standards (NAAQS) that identify the acceptable level of pollutants above which the effects are detrimental to public health or welfare.

Smoke Management Plans and Prescribe Burn Plans for site-specific projects would implement state and federal regulatory direction. The implementation of Alternative J would be consistent with state and federal direction, with respect to air quality, as restrictions on fire use would be imposed through the regulatory process (FEIS, page 228).

Clean Water Act

The objective of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (CWA), is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters by preventing point and non-point pollution sources, providing assistance to publicly owned treatment works for the improvement of wastewater treatment, and maintaining the integrity of wetlands.

As described in the FEIS (page 268), the use of Best Management Practices and Thresholds of Concern by the Forest Service would result in no adverse cumulative effects to water quality from soil erosion and sediment yield due to the implementation of Alternative J, which is a programmatic non-significant amendment to the Modoc LRMP. Wetlands would be identified and protected during site specific restoration treatments; therefore, restoration treatments would

not have any effects on wetlands. All alternatives would comply with Executive Order No. 11990, Protection of Wetlands.

National Forest Management Act (NFMA); Land Management Plan Amendment - Changes That are Not Significant

The NFMA established a notice and comment process for adopting, amending and revising FS Land and Resource Management Plans. Further direction is contained in Forest Service Manual 1926.5. I have determined that my decision to select Alternative J constitutes a non-signficant amendment to the Modoc LRMP. I find that Alternative J is consistent with Modoc LRMP long term goals and objectives (LRMP pages 4-1 to 4-12). Alternative J includes six Design Standards which by this amendment will be incorporated into the Modoc LRMP (FEIS page 47). These six standards are consistent with, and constitute a minor change to existing Modoc LRMP standards and guidelines. The current LRMP recognizes unsatisfactory ecological conditions in the sage steppe ecosystem resulting from a number of factors including "extensive encroachment by juniper stands due to historic grazing practices and suppression of natural fires" (LRMP page 3-18), and states that "Where opportunities exist, coordinate resource planning with BLM, SCS, and individuals to achieve Forest goals, standards and guidelines, and objectives." (LRMP page 4-19) The LRMP includes a section on past, present and future opportunities for western juniper management (LRMP page 3-39). The LRMP states "Actual outputs may differ substantially from those displayed in Table 4-2 for the following reasons: -- Actual budgets may be less than required to achieve all outputs;" (LRMP page 4-6) The long term sage steppe restoration treatments that are identified and analyzed for Alternative J in the FEIS are consistent with the long term treatment opportunities projected in the Modoc LRMP.

Implementation

Implementation Date

In accordance with 36 CFR 217.10(a), implementation of this decision will not occur until at least 7 days subsequent to publication of the legal notice for this decision, which is expected to be September 18, 2008.

Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 217. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery), in duplicate, with the Appeal Deciding Officer: Randy Moore, Regional Forester, 1323 Club Drive, Vallejo, CA 94592. The FAX Number is (707) 562-9130.

The office business hours for those submitting hand-delivered appeals are: (8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-pacificsouthwest-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Modoc County Record, the newspaper of record, which is expected to be September 18, 2008. Attachments received after the 45 day appeal

period will not be considered. The publication date in the Modoc County Record, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source. The notice of appeal must meet the appeal content requirements at 36 CFR 217.9.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Rob Jeffers, Project Lead, Modoc National Forest, 800 West 12th Street, Alturas, CA 96101 or call (530) 233-8816.

Stanley G Sylva — 9/17/08

STANLEY G. SYLVA — **DATE**
Forest Supervisor
Modoc National Forest